REMARKS

Claim 11 has been canceled to obviate an issue raised by the Examiner under 35 U.S.C. 112, second paragraph.

Since the above amendment reduces the number of issues for appeal if an appeal is needed, entry of the above amendment is respectfully requested.

Preliminarily, Applicants submit herewith for the Examiner's use a translation of JP-A-61-45766, a Japanese published patent application which was previously disclosed in the Information Disclosure Statement filed on April 26, 2010.

Rejection under 35 U.S.C. 112, Second Paragraph

On page 3 of the Office Action, claims 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The Examiner's position is basically that amended claim 7 recites a "mean fiber size" which is narrower in diameter than that which is recited in claim 11, which depends from claim 7, and thus the scope of the invention is rendered indefinite.

In response, Applicants have canceled claim 11, so there is no longer a dependent claim which is broader in scope than the claim upon which it depends. Accordingly, Applicants submit that this rejection has been obviated, and withdrawal of this rejection is respectfully requested.

Provisional Obviousness-Type Double Patenting Rejection

On page 4 of the Office Action, claims 7-11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 6 and 8 of copending Application No. 11/791,115 (US Pre-Grant Publication No. 2007/0298072).

Since this rejection is provisional, Applicants defer responding. As indicated in the record in the present application, per MPEP 804 I.B.1., if a "provisional" nonstatutory obviousness-type double patenting rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. Since the present application has an earlier filing date than the copending application, Applicants submit that if this "provisional" nonstatutory obviousness-type double patenting rejection is the only rejection remaining in the present application, while the copending application is rejectable on other grounds, the examiner should withdraw this rejection and permit the present application to issue as a patent without a terminal disclaimer.

Obviousness Rejection

On page 5 of the Office Action, claims 7, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the teachings of Schmitt et al. (USPN 3,463,158).

Applicants submit that the invention as recited in the amended claims is not obvious over Schmitt, and request that the Examiner reconsider and withdraw this rejection accordingly.

Initially, Applicants note that the ribs on Schmitt's tube were prepared by using some mold tool, whereas the bellows-shaped cylindrical body of the present invention is prepared by the method described in Example 1, e.g., the end of the fiber structure collected at the fiber substance collecting electrode 5 was held fixed against a finger while the fiber substance collecting electrode 5 was pulled out toward the end fixed against the finger.

By comparing the results of Examples 1-3 and Comparative Example 2 in the present application, it is understood that the "yield elongation" is greatly affected by the "spacing of bellows-shaped section." However, with the method described in Schmitt, it is hard to produce a dense bellow-shaped cylindrical body like that of the present invention, and therefore, an ordinary artisan could not have reached the present invention having a dense bellow-shape and high yield elongation.

With respect to the Examiner's indication that Applicants' arguments concerning the distinct manufacturing methods are irrelevant because no method limitations appear within the instant claims and because the instant invention is directed to a composition rather than the method for producing the composition, Applicants submit that the arguments concerning the distinct manufacturing method are relevant because the method used in Schmitt would not result in the product of the present invention, as discussed above.

Thus, Applicants submit that the present invention is not obvious over Schmitt et al, and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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